

MINUTES

BE IT REMEMBERED, That on December 6, 2016, Commissioners Court of Galveston County, Texas, met at a regular meeting with the following present:

Mark Henry, County Judge

Ryan Dennard, Commissioner Precinct 1

Joe Giusti, Commissioner Precinct 2

Stephen D. Holmes, Commissioner Precinct 3

Kenneth D. Clark, Commissioner Precinct 4

Dwight D. Sullivan, County Clerk by Renee H. Edgar, Deputy

CALL TO ORDER

Call to Order by Judge Henry at 1:30 P.M. at the Galveston County Courthouse.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Giusti led the Court in the Pledge of Allegiance.

The Invocation was given by Commissioner Holmes.

CONSENT AGENDA

- *1. Submitted by the Auditor's Office:
 - a. Approval of the Accounts Payable Checks dated 11/29/16 and 12/6/16
 - b. Order for Payroll period ending 11/30/16 Bi-Weekly #25
 - c. Order for Supplemental Payroll period ending 11/30/16 Bi-Weekly #25
 - d. Internal Audit Report of the Sheriff's Office Commissary and Inmate Property Account for period covered 9/1/15 - 8/31/16 with response letter from Sheriff Henry Trocheset dated 11/10/16
 - e. Internal Audit Report of the FY 2016 Property Tax Refunds for period covered 10/1/15 - 9/30/16 with response letter from Honorable Cheryl E. Johnson dated 11/19/16

- f. [Internal Audit report of the District Clerk's Fee Audit for period 9/1/15 - 8/31/16 with response letter from Honorable John D. Kinard dated 11/28/16](#)
- g. [Certification of funds pursuant to Local Government Code 111.0106 for Inspection Fee paid by GEL Texas Pipeline, LLC](#)
- h. [Receive and file early release of check for Technique Data dated 12/01/16](#)
- *2. [Receive and file refund check list from Odyssey submitted by the County Clerk](#)
- *3. [Receive and file refund check list from Odyssey submitted by the District Clerk](#)
- *4. [Consideration of execution of renewal contract with Interface EAP, Inc. submitted by Human Resources](#)
- *5. [Consideration of approving exemption to the 4 pay period mandatory vacancy policy for Collections Manager \(Psn #2\) submitted by Human Resources on behalf of Collections](#)
- *6. [Consideration of approval of a resolution honoring the retirement of Debbie Riggs submitted by Professional Services](#)
- *7. [Receive and file FY2017 Galveston County Emergency Communication \(911\) District budget submitted by the County Judge](#)
- *8. [Consideration of approval of \(re\)appointment to the Galveston County Emergency Communication \(911\) District submitted by the County Judge](#)
- *9. [Consideration of approval of granting a reduction of a permit fee \(Facility Permitting Policy, Section 5.1.6\) for Bay Area Whip Dance Club for the recurring use of the Indoor Banquet Hall at Walter Hall Park on Tuesdays from 7:00 p.m. - 10:00 p.m. from January 2, 2017 through December 26, 2017, submitted by the Parks & Cultural Services Department](#)
- *10. [Consideration of approval of an extension of the Fine & Fee Contract with Perdue Brandon Fielder Collins & Mott, LLP. submitted by the County Judge](#)
- *11. [Receive and file full and final settlement for Galveston County in the amount of \\$1,662.00 from Brazoria County submitted by County Legal](#)
- *12. [Consideration of release of nuisance abatement lien, 3018 Charles Street, Bacliff, Texas submitted by County Legal](#) (Filed in Real Property Records of County Clerk's Office, having instrument File No. 2016074686.)
- *13. [Consideration of approval of the abatement of two \(2\) tax foreclosed properties submitted by the Nuisance Abatement Officer:](#)

- a. [1902 Bogatto, La Marque, Texas](#)
- b. [308 Lake Road, La Marque, Texas](#)
- *14. [Consideration for authorization to dispose of salvage or surplus property submitted by the Purchasing Agent](#)
- *15. [Consideration for authorization to utilize a cooperative purchasing program to purchase one \(1\) Utility Tractor for the Road and Bridge Department submitted by the Purchasing Agent](#)
- *16. [Consideration of contract CM17033 with EcoXstream, LLC for bid # B161033 to provide various renovations for ADA compliance to Galveston County facilities other than 722 Moody submitted by the County Architect](#)
- *17. [Consideration of approval for replacement batteries for UPS emergency storage with Millennium UPS submitted by Information Technology](#)
- *18. [Consideration of approval for Google apps unlimited 12 month license for Galveston County Jail magistrate project with Onix submitted by Information Technology](#)
- *19. [Consideration of Texas City Hurricane Levee permit to Marathon Petroleum Corporation perform one underground pipe replacement at two locations near the levee northeast of FM 519 and Loop 197 submitted by the County Engineer](#)
- *20. [Consideration of approval to award contract to Linebarger Goggan Blair & Sampson, LLP. for Tax Collection and Legal Services submitted by the County Judge](#)
- *21. [Consideration of approving third supplement to agreement between Galveston County and Greater Metropolitan Safety Council \(relates to CERT\) and authorizing the County Judge to execute same submitted by Emergency Management](#)
- *22. [Consideration of approval of the following budget amendments submitted by Professional Services:](#)
 - a. [16-184-1206-A](#)
Facilities Services- Request transfer from Facilities Building Maintenance account to Facilities Furnitures and Fixtures account for a storage cooler at the Medical Examiner's Office for FY 2016
 - b. [16-185-1206-B](#)
Professional Services - Request transfer from General Government Contract Services to County Courts #1 and #2 for expenses associated with FY 2016
 - c. [17-040-1206-A](#)
Sheriff's Department - Corrections - Request transfer from Sheriff's Department

Capital Equipment account to Sheriff's Department Extraordinary Supplies account for three (3) DVR Camera Systems

- d. 17-041-1206-B
Professional Services- Request transfer from General Fund Budgeted Reserves for various transactions associated with FY 2016 that need to be completed in FY 2017
- e. 17-042-1206-C
County Clerk Records Management & Preservation- Request transfer from County Records Management & Preservation Budgeted Reserves for two (2) color printers and a folding chair trolley
- f. 17-043-1206-D
Veteran's Services- Request transfer from Veteran's Services Books, Periodicals, and Subscriptions account to Veteran's Services Extraordinary Supplies account for a paper shredder
- g. 17-044-1206-E
Flood Control- Request transfer from Flood Control Budgeted Reserves for inspection and material testing for construction of pipelines
- h. 17-045-1206-F
Parks/Collections Departments- Request transfer of position from Collections Department to Parks; an upgrade of the Collections Specialist to a Collections Manager position and the addition of a Collections Clerk position in the Collections Department

Motion to approve consent agenda items 1 - 22h by County Judge Henry, seconded by Commissioner Dennard with the exception of item(s): 22h. (Agenda item 22h deferred.)

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

ACTION AGENDA

23. Commissioner, Precinct 1

- a. Consideration of approval of requested waiver to policy HR010- Law Enforcement Career Path Program for Constable, Precinct 1 - Deputy IV position

Motion to approve by Commissioner Dennard, seconded by Commissioner Giusti that the above action be taken by the Court.

Passed: 4-1

Aye: Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: County Judge Henry

24. **Facilities**

- a. [Consideration of approving limited purpose permit for use of areas within premises at 1915 Ball Street \(former Galveston County Jail\) for filming associated with documentary and authorizing the County Judge to execute same](#)

Motion to approve by County Judge Henry, seconded by Commissioner Giusti that the above action be taken by the Court.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

25. **Professional Services**

- a. [Consideration of approval of the following budget amendments:](#)
- b. [17-046-1206-G](#)
[**Emergency Management Fund-** Request transfer to the Emergency Management Fund for Motorola Equipment Lease-Purchase Agreement](#)

Item deferred by County Judge Henry.

- c. [17-047-1206-H](#)
[**Professional Services-** Request change in staffing and structure to the Professional Services Department](#)

Item deferred by County Judge Henry.

- d. [Request for qualifications for underwriters and recommendations for underwriting for the Limited Tax Refunding Bonds, Series 2017](#)

Motion to approve top 8 from the recommended underwriters evaluation by County Judge Henry, seconded by Commissioner Giusti.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner

Holmes, Commissioner Clark
Nay: (None)

26. **Purchasing**

a. Consideration of approval to award the following:

1. RFP #B171001 Galveston County Stop Loss for 2017

Motion to approve by County Judge Henry, seconded by Commissioner Dennard that contract be awarded to Fidelity Security, as requested.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark
Nay: (None)

2. RFQ #B161022 Pelican Island Bridge

Motion to approve by County Judge Henry, seconded by Commissioner Dennard that authorization be granted to enter contract negotiations with HDR Engineering, Inc. as requested.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark
Nay: (None)

27. **Sheriff**

a. Consideration of authorizing a lessee resolution for a municipal lease in connection with an equipment lease purchase agreement between Galveston County and Motorola Solutions

Item deferred by County Judge Henry.

28. **Tax Assessor-Collector**

a. Request for waiver or refund of penalty and interest requested by the property owner:

1.	<u>R118318</u>	<u>Gwen Reality LLC</u>	<u>2015</u>	<u>\$110.23(W)</u>
	<u>R118267</u>	<u>Gwen Reality LLC</u>	<u>2015</u>	<u>\$110.23(W)</u>
	<u>R416528</u>	<u>Gwen Reality LLC</u>	<u>2015</u>	<u>\$181.12(W)</u>

Motion to approve by County Judge Henry, seconded by Commissioner Clark that the above action be taken by the Court.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

29. **County Legal**

a. **Break into Executive Session:**

Break into Executive Session at 2:00 P.M.

- b. **Executive Session:** Texas Government Code Section 551.074, Personnel Matters: the Commissioners Court will enter into executive session as permitted under the Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.074 of the Texas Government Code, Personnel Matters: to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: the CDBG Project Coordinator (Community Development Block Grant Project Coordinator).
- c. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to 3:16-CV-00065, Diane Jacobs, et. al. v. Henry Trocheset, et. al. in the U.S. District Court for the Southern District of Texas, Galveston Division.
- d. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to 3:14-CV-300, Kyle Springer v. Unknown Rekoff, et. al., in the United States District Court for the Southern District of Texas.
- e. **Executive Session:** Texas Government Code Section 551.071, Consultation with

Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to 14-CV-1289, Bonnie Quiroga v. Galveston County, in the 212th Judicial District Court.

- f. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to Cause No. 15-0993, Hon. Mark Henry, v. Hon. Lonnie Cox, in the Supreme Court of Texas.

- g. **Reconvene into Regularly Scheduled Meeting**

Reconvene into Regularly Scheduled Meeting at 2:45 P.M.

- h. Consideration of authorizing approval of an interlocal cooperation agreement between Galveston County and the City of Kemah for development and operation of a Public Nature Facility at the location known as "57 Acre Park"

Motion to approve by Commissioner Dennard, seconded by County Judge Henry that the above action be taken by the Court.

Passed: 5-0

Aye: County Judge Henry, Commissioner Dennard, Commissioner Giusti, Commissioner Holmes, Commissioner Clark

Nay: (None)

ADJOURN

Commissioners Court adjourned at 4:30 P.M. on Tuesday, December 6, 2016.